THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 4826 of 2003

Dated: 23-09-2005

Between:

M. Janardhan Rao.

..... PETITIONER

AND

1 Mr. Hugh Pinto, Assistant General Manager, Syndicate Bank, Zonal Office, Somajiguda, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 4826 of 2003

ORDER:

The petitioner approached this Court through this writ petition seeking to

declare that the letter dated 22-02-1993 issued by the first respondent as null and void and to direct the first respondent to grant permission to take the assistance of an Advocate in the enquiry pending against him.

The petitioner was working as an Attender in the first respondent Bank for the past several years. On 23-9-1992, while he was working in Counter No.1 of the Bank, he refused to carry on the slips given by the Officer of ALPM section and found absent from the Bank premises. Subsequently, the first respondent issued a charge sheet on 11-11-1992 alleging that the petitioner committed gross mis-conduct of disobedience on the instructions of the superiors. Thereafter, the petitioner gave an explanation to the said charge sheet, but the same was not accepted and an enquiry was initiated against him. The first respondent issued a letter dated 16-12-1992 intimating the petitioner to attend before the Enquiry Officer. While so, the petitioner made an application to the first respondent to grant permission to take the assistance of an Advocate to defend his case in the enquiry. The first respondent rejected the same and advised him to defend himself as per Clause 19.12 (a) of the Bipartite settlement. Aggrieved by the same, the petitioner filed the present writ petition.

The petitioner has no vested right to engage an Advocate in a departmental enquiry and such request would be considered only under certain circumstances and depends upon the facts and circumstances of the case. It is a discretionary order that has to be passed by the first respondent. The first respondent, after taking into consideration the gravity of mis-conduct of the petitioner, felt that there was no necessity to permit the petitioner to engage an Advocate to defend him in the enquiry.

After carefully going through the record, I do not find any illegality or irregularity in the impugned letter and there are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs. The interim stay granted during the pendency of the writ petition stands vacated.

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23-09-2005

sj